

Haapala, Thompson & Abern LLP  
Attorneys At Law  
Park Plaza Building  
1939 Harrison St., Suite 800  
Oakland, California 94612  
Telephone: 510-763-2324  
Facsimile: 510-273-8534

Rebecca S. Widen, SBN 219207  
HAAPALA, THOMPSON & ABERN, LLP  
1939 Harrison Street, Suite 800  
Oakland, California 94612  
Tel: 510-763-2324  
Fax: 510-273-8534  
E-mail: [rwiden@htalaw.com](mailto:rwiden@htalaw.com)

Attorneys for Defendants  
COUNTY OF SANTA CRUZ

Michael J. Curls (SBN 159651)  
Nichelle D. Jones (SBN 186308)  
LAW OFFICE OF MICHAEL J. CURLS  
4340 Leimert Boulevard, Suite 200  
Los Angeles, California 90008  
Tel: 323-293-2314  
Fax: 323-293-2350  
E-mail: [michael@mjclawoffice.com](mailto:michael@mjclawoffice.com)  
[nichelle@mjclawoffice.com](mailto:nichelle@mjclawoffice.com)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

MARLENE HENDERSON, THE ESTATE OF  
EDYTH HENDERSON, and THE ESTATE OF  
JOSEPH HENDERSON,

Plaintiffs,

vs.

COUNTY OF SANTA CRUZ, THE SANTA  
CRUZ COUNTY SHERIFF'S DEPARTMENT,  
THE SANTA CRUZ COUNTY HEALTH  
SERVICES AGENCY, and DOES 1  
THROUGH 25, INCLUSIVE,

Defendants.

Case No.: 3:14-cv-03544 WHO (HRL)

**UPDATED JOINT CASE MANAGEMENT  
STATEMENT AND PROPOSED ORDER**

**Date: May 16, 2017**  
**Time: 2:00 p.m.**  
**Courtroom: 2, 17th Floor**

The Parties submit the following joint case management conference statement in keeping with the Standing Order for All Judges of the Northern District of California-Contents of Joint Case Management Statement dated November 1, 2014 and Civil Local Rule 16-9. Rather than repeat information disclosed in prior Case Management Conference statements that has not changed, for clarity and brevity, the Parties have attempted to limit this Case Management

Conference statement to new information and updates as follows:

**I. RELATED CASES AND STAY/ABATEMENT ISSUES.**

In the present civil action, Plaintiffs allege that the County Defendants acted wrongfully in releasing a former inmate, James Henderson, who later went on to murder the decedents. There is a related criminal case entitled *People of the State of California v. James Roland Henderson*, Santa Cruz Superior Court Case No. F25036. This is the pending criminal case against James Henderson involving the two murders which form the alleged basis of the civil case before this Court.

As a result of the pendency of this criminal case, and with the Court's consent, at a prior Case Management Conference on March 25, 2016, the parties agreed to stay or abate this civil action to allow the criminal case to proceed. Since the last Case Management Conference in this matter the following has occurred in James Henderson's criminal case:

The case was set for jury trial on December 5, 2016, however, the trial date was vacated and a scheduling conference was set for December 8, 2016. Although there have been numerous receipt hearings, no new trial date has been set as the court is awaiting a report of evaluation of Mr. Henderson's capacity to stand trial. The next hearing date is a status conference set for August 23, 2017.

Because the criminal case against James Henderson remains ongoing, the parties again request that this matter be stayed or abated pending resolution of James Henderson's criminal trial.

**II. DISCOVERY.**

No discovery has taken place in the case to date as a result of the stay, and the parties again request that none take place while the case remains stayed pending resolution of the related criminal action against James Henderson.

**III. SETTLEMENT AND ADR.**

The parties have been referred to the Court's ADR program and have selected mediation. In light of the stay of the case, the previously set ADR completion date has been stayed by stipulation of the parties and prior Order of this Court.

1 **IV. SCHEDULING.**

2 In light of the concurrent criminal prosecution of James Henderson for the murders  
3 which form the basis of this civil case, the parties propose that the Court continue the stay or  
4 abatement of this action and set a further Case Management Conference to take place after the  
5 anticipated 3-4 week criminal jury trial of James Henderson has concluded.

6 Therefore, the parties request the Court set a further Case Management Conference in  
7 September 2017, after the next scheduled hearing in the criminal matter. At that point, the  
8 parties can discuss appropriate scheduling and address any continued need for a stay or  
9 abatement of this action as may be necessary to allow James Henderson's criminal case to run  
10 its course.

11 As before, the County Defendants contend that the case is subject to *Younger* abstention  
12 (*Younger v. Harris* 401 US 37, 49-53 (1971) due to the pendency of the criminal action against  
13 James Henderson. Alternatively, the action is also subject to a *Wallace* stay under *Wallace v.*  
14 *Kato*, 549 U.S. 384, 394 (2007), which permits a federal court to stay consideration of a federal  
15 claim until the criminal case is resolved if claim relates to rulings that will likely be made in a  
16 pending criminal trial.

17 The County Defendants assert that the outcome and resolution of the criminal case  
18 against James Henderson is material to the civil case against the County here because, *inter alia*,  
19 Plaintiffs' damages are based on the assumption that James Henderson is guilty of killing the  
20 decedents.

21 Dated: May 9, 2017 LAW OFFICES OF MICHAEL J. CURLS

22  
23 By: \*/s/ Nichelle D. Jones  
24 Nichelle D. Jones  
25 Attorney For Plaintiff  
\*Ms. Jones provided her consent that this  
document be electronically filed

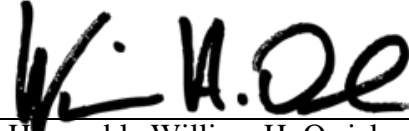
26 Dated: May 9, 2017 HAAPALA, THOMPSON & ABERN, LLP

27 By: /s/ Rebecca S. Widen  
28 Rebecca S. Widen, Attorneys for Defendant  
COUNTY OF SANTA CRUZ

**CASE MANAGEMENT ORDER**

The above Updated Joint Case Management Statement and Proposed Order is approved as the Case Management Order for this case. This case remains stayed. The next Case Management Conference shall be held on May 15, 2018 at 2:00 p.m.

Dated: January 26, 2018



---

Honorable William H. Orrick  
United States District Court Judge

Haapala, Thompson & Abern LLP  
Attorneys At Law  
Park Plaza Building  
1939 Harrison St., Suite 800  
Oakland, California 94612  
Telephone: 510-763-2324  
Facsimile: 510-273-8534